UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,066	04/25/2001	Takaki Kameyama	35.G2798	5919

5514 7590 03/09/2005

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER	
POKRZYWA, JOSEPH R	
ART UNIT	PAPER NUMBER
2622	

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/841,066	KAMEYAMA; TAKAKI	
	Examiner	Art Unit	
	Joseph R. Pokrzywa	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-49 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-49 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 25 April 2001 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☒ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on Japanese Priority Application 2000-143207, filed on May 16, 2000. Further, receipt is acknowledged of the "Claim To Priority" papers filed on July 23, 2001. However, it is noted that the certified copy is missing from the file. The examiner requests the applicant to file a new copy of the Japanese Application as required by 35 U.S.C. 119(b).

Drawings

2. The drawings received on 4/25/01 are acceptable by the examiner.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

the claimed invention is directed to non-statutory subject matter.

Claim 47 recites "A program, capable of being executed on a computer...". Such a claim is non-statutory because the terminology "program" alone has no set definition. A statutory product with descriptive material must include a positive recitation of the computer readable medium – see MPEP 2106. The examiner suggest rewriting the claim to read "A computer readable medium storing a program, capable of being executed by a computer..."

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-49** are rejected under 35 U.S.C. 102(e) as being anticipated by Niikawa (U.S. Patent Number 6,668,134).

Regarding ***claim 1***, Niikawa discloses an information processing system for transferring a data file between information processing apparatuses, each including a storage device (see Figs. 8 and 10), with the system comprising transmission-directory acquisition means for acquiring a number of transmission directories having each data file to be transmitted as a subordinate directory (see Figs. 11(b)-13, and column 10, line 50-column 11, line 54), transmitted-directory acquisition means for acquiring the number of transmitted directories having each transmitted data file as a subordinate directory (see Figs. 12 and 13), and first generation means for generating a signal indicating a status of progress of transfer of data files (see Figs. 12 and 13), based on the number of transmission directories acquired by the transmission-directory acquisition means and the number of transmitted directories acquired by the transmitted-directory acquisition means (column 13, line 25-column 14, line 22).

Regarding ***claim 2***, Niikawa discloses the system discussed above in claim 1, and further teaches that the first generation means comprises calculation means for calculating a degree of

progress from a comparison between the number of transmission directories and the number of transmitted directories (see D35 and D36 in Fig. 12, column 13, line 14-column 14, line 22).

Regarding ***claim 3***, Niikawa discloses the system discussed above in claim 2, and further teaches of display means for displaying the degree of progress (see Fig. 12).

Regarding ***claim 4***, Niikawa discloses the system discussed above in claim 1, and further teaches of an upper limit is set for a number of data files capable of being stored in each directory (column 13, lines 25-45).

Regarding ***claim 5***, Niikawa discloses the system discussed above in claim 3, and further teaches of a display of the degree of progress is updated every time transfer of all data files in one directory has been completed (see D35 and D36 in Fig. 12).

Regarding ***claim 6***, Niikawa discloses the system discussed above in claim 1, and further teaches of second generation means for generating a signal indicating a status of progress of data transfer based on a number of data files to be transmitted and a number of transmitted data files, wherein the first generation means and the second generation means are switchable (column 13, lines 46-column 14, line 22, and see Fig. 12).

Regarding ***claim 7***, Niikawa discloses the system discussed above in claim 6, and further teaches that switching between the first generation means and the second generation means is performed in accordance with the number of transmission directories (column 13, lines 46-column 14, line 22, and see Fig. 12).

Regarding ***claim 8***, Niikawa discloses the system discussed above in claim 6, and further teaches that switching between the first generation means and the second generation means is

performed in accordance with a display capability of a display device for displaying the status of transfer progress (column 13, lines 46-column 14, line 22, and see Fig. 12).

Regarding ***claim 9***, Niikawa discloses the system discussed above in claim 1, and further teaches of third generation means for generating a signal indicating a status of progress of data transfer based on a total amount of data of data files to be transmitted and a total amount of data of transmitted data files, wherein the first generation means and the third generation means are switchable (column 13, lines 46-column 14, line 22, and see Fig. 12).

Regarding ***claim 10***, Niikawa discloses the system discussed above in claim 9, and further teaches that switching between the first generation means and the third generation means is performed in accordance with the number of transmission directories (column 13, lines 46-column 14, line 22, and see Fig. 12).

Regarding ***claim 11***, Niikawa discloses the system discussed above in claim 9, and further teaches that switching between the first generation means and the third generation means is performed in accordance with a display capability of a display device for displaying the status of transfer progress (column 13, lines 46-column 14, line 22, and see Fig. 12).

Regarding ***claim 12***, Niikawa discloses the system discussed above in claim 1, and further teaches that a destination of the data-file transfer is a digital camera (see Figs. 1-5, 9(a), and 10).

Regarding ***claim 13***, Niikawa discloses an information processing apparatus for transferring a data file between information processing apparatuses, each including a storage device (see Figs. 8 and 10), with the system comprising transmission-directory acquisition means for acquiring a number of transmission directories having each data file to be transmitted as a

subordinate directory (see Figs. 11(b)-13, and column 10, line 50-column 11, line 54), transmitted-directory acquisition means for acquiring the number of transmitted directories having each transmitted data file as a subordinate directory (see Figs. 12-13, and column 10, line 50-column 11, line 54), and first generation means for generating a signal indicating a status of progress of transfer of data files (see Figs. 12 and 13), based on the number of transmission directories acquired by the transmission-directory acquisition means and the number of transmitted directories acquired by the transmitted-directory acquisition means (column 13, line 25-column 14, line 22).

Regarding ***claim 14***, Niikawa discloses the apparatus discussed above in claim 14, and further teaches that the generation means comprises calculation means for calculating a degree of progress from a comparison between the number of transmission directories and the number of transmitted directories (column 13, line 25-column 14, line 22).

Regarding ***claim 15***, Niikawa discloses the apparatus discussed above in claim 14, and further teaches of display means for displaying the degree of progress (see D35 and D36 in Fig. 12).

Regarding ***claim 16***, Niikawa discloses the apparatus discussed above in claim 13, and further teaches of image pickup means (see Figs. 1-5).

Regarding ***claim 17***, Niikawa discloses an information processing apparatus for receiving a data file from an external apparatus including a storage device (see Figs. 8 and 10), the apparatus comprising transmission-directory acquisition means for acquiring a number of transmission directories having each data file to be transmitted as a subordinate directory (see Figs. 11(b)-13, and column 10, line 50-column 11, line 54), transmitted-directory acquisition

means for acquiring a number of transmitted directories having each transmitted data file as a subordinate directory (see Figs. 12-13, and column 10, line 50-column 11, line 54), and generation means for generating a signal indicating a status of progress of transfer of data files (see Figs. 12 and 13), based on the number of transmission directories acquired by the transmission-directory acquisition means and the number of transmitted directories acquired by the transmitted-directory acquisition means (column 13, line 25-column 14, line 22).

Regarding ***claim 18***, Niikawa discloses the apparatus discussed above in claim 17, and further teaches that the generation means comprises calculation means for calculating a degree of progress from a comparison between the number of transmission directories and the number of transmitted directories (column 13, line 25-column 14, line 22).

Regarding ***claim 19***, Niikawa discloses the apparatus discussed above in claim 18, and further teaches of display means for displaying the degree of progress (see D35 and D36 in Fig. 12).

Regarding ***claim 20***, Niikawa discloses the apparatus discussed above in claim 17, and further teaches that a destination of data-file transfer is a digital camera (see Figs. 1-5).

Regarding ***claim 21***, Niikawa discloses an information processing apparatus for transferring a data file between information processing apparatuses, each including a storage device (see Figs. 8 and 10), the system comprising first acquisition means for acquiring a capacity of use of a storage device of an information processing apparatus serving as a transfer source (see Figs. 11(b)-13, and column 10, line 50-column 11, line 54), second acquisition means for acquiring an amount of data whose transfer has been completed (see Figs. 12-13, and column 10, line 50-column 11, line 54), and calculation means for calculating a degree of

progress based on a comparison between the capacity of use acquired by the first acquisition means and the amount of data acquired by the second acquisition means (see Figs. 12 and 13, and column 13, line 25-column 14, line 22).

Regarding ***claim 22***, Niikawa discloses the system discussed above in claim 21, and further teaches that most of the capacity of use of the storage device of the information processing apparatus, serving as the transfer source, is occupied by data to be transferred (column 10, line 51-column 11, line 54, and column 13, lines 1-58).

Regarding ***claim 23***, Niikawa discloses the system discussed above in claim 21, and further teaches that when transferring data at a time, first, the capacity of use of the storage device of the information processing apparatus, serving as the transfer source, is acquired (column 10, line 51-column 11, line 54, and column 13, lines 1-58).

Regarding ***claim 24***, Niikawa discloses the system discussed above in claim 21, and further teaches that the degree of progress is updated every time transfer of one data file has been completed (see D35 and D36 in Fig. 12).

Regarding ***claim 25***, Niikawa discloses the system discussed above in claim 21, and further teaches of display means for displaying the degree of progress (see D35 and D36 in Fig. 12).

Regarding ***claim 26***, Niikawa discloses an image pickup system (see Figs. 1-5, 8, and 10) comprising an image pickup apparatus including a storage device (see Figs. 1-5), an information processing apparatus including a storage device (see Figs. 4 and 8), an information processing apparatus (see Figs. 4, 8, and 10), and a communication channel through which data can be transferred between the image pickup apparatus and the information processing apparatus (see

Figs. 4, 8, and 10), wherein, when transferring image files within the storage device of the image pickup apparatus to the information processing apparatus at a time, a degree of progress based on a comparison between a total number of transmission directories having each image file to be transmitted as a subordinate directory and a total number of transmitted directories having each transferred image file as a subordinate directory is displayed (column 13, line 25-column 14, line 22, see steps D35 and D36 in Fig. 12).

Regarding ***claim 27***, Niikawa discloses the system discussed above in claim 26, and further teaches that an upper limit is set for a number of data files stored in each directory (column 13, lines 25-58).

Regarding ***claim 28***, Niikawa discloses the system discussed above in claim 26, and further teaches that when transferring image files at a time, information relating to directories stored in the storage device of the image pickup apparatus is acquired in advance (column 10, line 51-column 11, line 54, and column 13, lines 1-58), and a display of the degree of progress is updated every time transfer of all image files in one directory has been completed (column 13, line 25-column 14, line 22, see steps D35 and D36 in Fig. 12).

Regarding ***claim 29***, Niikawa discloses an image pickup system (see Figs. 1-5, 8, and 10) comprising an image pickup apparatus including a storage device (see Figs. 1-5), an information processing apparatus including a storage device (see Figs. 4 and 8), an information processing apparatus (see Figs. 4, 8, and 10), and a communication channel through which data can be transferred between the image pickup apparatus and the information processing apparatus (see Figs. 4, 8, and 10), wherein, when transferring image data within the storage device of the image pickup apparatus to the information processing apparatus at a time, a degree of progress is

displayed based on a comparison between a capacity of use of the storage device of the image pickup apparatus and an amount of transferred image data (column 13, line 25-column 14, line 22, see steps D35 and D36 in Fig. 12).

Regarding ***claim 30***, Niikawa discloses the system discussed above in claim 29, and further teaches that most of the capacity of use of the storage device of the image pickup apparatus is occupied by image data (column 10, line 51-column 11, line 54, and column 13, lines 1-58).

Regarding ***claim 31***, Niikawa discloses the system discussed above in claim 29, and further teaches that when transferring image data at a time, the capacity of use of the storage device of the image pickup apparatus is acquired in advance (column 10, line 51-column 11, line 54, and column 13, lines 1-58).

Regarding ***claim 32***, Niikawa discloses the system discussed above in claim 29, and further teaches that the degree of progress is calculated and a display is updated every time transfer of one image file has been completed (column 13, line 25-column 14, line 22, see steps D35 and D36 in Fig. 12).

Regarding ***claim 33***, Niikawa discloses the system discussed above in claim 29, and further teaches that during transfer of image data, a total size of transferred image data is calculated and a display is updated whenever necessary (column 13, lines 25-58, see step D36 in Fig. 12).

Regarding ***claim 34***, Niikawa discloses an information processing method for transferring a data file between information processing apparatuses, each including a storage device (see Figs. 8 and 10), with the method comprising transmission-directory acquisition step of acquiring

a number of transmission directories having each data file to be transmitted as a subordinate directory (see Figs. 11(b)-13, and column 10, line 50-column 11, line 54), transmitted-directory acquisition step of acquiring a number of transmitted directories having each transmitted data file as a subordinate directory (see Figs. 12 and 13), and a first generation step of generating a signal indicating a status of progress of transfer of data files (see Figs. 12 and 13), based on the number of transmission directories acquired in the transmission-directory acquisition step and the number of transmitted directories acquired in the transmitted-directory acquisition step (column 13, line 25-column 14, line 22).

Regarding ***claim 35***, Niikawa discloses the method discussed above in claim 34, and further teaches that the first generation step comprises a calculation step of calculating a degree of progress from a comparison between the number of transmission directories and the number of transmitted directories (see D35 and D36 in Fig. 12, column 13, line 14-column 14, line 22).

Regarding ***claim 36***, Niikawa discloses the method discussed above in claim 34, and further teaches of a display control step of causing a display device to display the degree of progress (see Fig. 12).

Regarding ***claim 37***, Niikawa discloses the method discussed above in claim 34, and further teaches of an upper limit is set for a number of data files capable of being stored in each directory (column 13, lines 25-45).

Regarding ***claim 38***, Niikawa discloses the method discussed above in claim 34, and further teaches of a display of the degree of progress is updated every time transfer of all data files in one directory has been completed (see D35 and D36 in Fig. 12).

Regarding ***claim 39***, Niikawa discloses the method discussed above in claim 34, and further teaches of a second generation step of generating a signal indicating a status of progress of data transfer based on a number of data files to be transmitted and a number of transmitted data files, wherein the first generation step and the second generation step are switchable (column 13, lines 46-column 14, line 22, and see Fig. 12).

Regarding ***claim 40***, Niikawa discloses the method discussed above in claim 39, and further teaches that switching between the first generation step and the second generation step is performed in accordance with the number of transmission directories (column 13, lines 46-column 14, line 22, and see Fig. 12).

Regarding ***claim 41***, Niikawa discloses the method discussed above in claim 39, and further teaches that switching between the first generation step and the second generation step is performed in accordance with a display capability of a display device for displaying the status of transfer progress (column 13, lines 46-column 14, line 22, and see Fig. 12).

Regarding ***claim 42***, Niikawa discloses the method discussed above in claim 34, and further teaches of a third generation step of generating a signal indicating a status of progress of data transfer based on a total amount of data of data files to be transmitted and a total amount of data of transmitted data files, wherein the first generation step and the third generation step are switchable (column 13, lines 46-column 14, line 22, and see Fig. 12).

Regarding ***claim 43***, Niikawa discloses the method discussed above in claim 42, and further teaches that switching between the first generation step and the third generation step is performed in accordance with the number of transmission directories (column 13, lines 46-column 14, line 22, and see Fig. 12).

Regarding ***claim 44***, Niikawa discloses the method discussed above in claim 42, and further teaches that switching between the first generation step and the third generation step is performed in accordance with a display capability of a display device for displaying the status of transfer progress (column 13, lines 46-column 14, line 22, and see Fig. 12).

Regarding ***claim 45***, Niikawa discloses the method discussed above in claim 34, and further teaches that a destination of the data-file transfer is a digital camera (see Figs. 1-5, 9(a), and 10).

Regarding ***claim 46***, Niikawa discloses an information processing method for transferring a data file between information processing apparatuses, each including a storage device (see Figs. 8 and 10), with the method comprising a first acquisition step of acquiring a capacity of use of a storage device of an information processing apparatus serving as a transfer source (see Figs. 11(b)-13, and column 10, line 50-column 11, line 54), a second acquisition step of acquiring an amount of data whose transfer has been completed (see Figs. 12-13, and column 10, line 50-column 11, line 54), and a display step of displaying a degree of progress based on a comparison between the capacity of use acquired in the first acquisition step and the amount of data acquired in the second acquisition step (see Figs. 12 and 13, and column 13, line 25-column 14, line 22).

Regarding ***claim 47***, Niikawa discloses a program, capable of being executed by a computer, for realizing an information processing method according to any one of claims 34-46 (column 6, lines 59-63, and column 10, lines 32-38).

Regarding ***claim 48***, Niikawa discloses an information processing method for sequentially processing a plurality of data files stored in a storage device, with the method comprising a processing-directory acquisition step of acquiring a number of processing

directories having each data file to be transmitted as a subordinate directory (see Figs. 11(b)-13, and column 10, line 50-column 11, line 54), a processed-directory acquisition step of acquiring a number of processed directories having each processed data file as a subordinate directory (see Figs. 12-13, and column 10, line 50-column 11, line 54), and first generation step of generating a signal indicating a status of progress of processing of data files (see Figs. 12 and 13), based on the number of processing directories acquired in the processing-directory acquisition step and the number of processed directories acquired in the processed-directory acquisition step (column 13, line 25-column 14, line 22).

Regarding ***claim 49***, Niikawa discloses an information processing method for sequentially processing a plurality of data files stored in a storage device (see Figs. 8 and 10), the method comprising a first acquisition step of acquiring a capacity of use of the storage device (see Figs. 11(b)-13, and column 10, line 50-column 11, line 54), a second acquisition step of acquiring an amount of data whose processing has been completed (see Figs. 12-13, and column 10, line 50-column 11, line 54), and a display step of displaying a degree of progress based on a comparison between the capacity of use acquired in the first acquisition step and the amount of data acquired in the second acquisition step (see Figs. 12 and 13, and column 13, line 25-column 14, line 22).

Citation of Pertinent Prior Art

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Parulski *et al.* (U.S. Patent Number 6,812,961) discloses a digital camera that forwards images to a service provider;

Anderson *et al.* (U.S. Patent Number 5,861,918) discloses a system for managing images in a digital camera; and

Xu (U.S. Patent Number 5,848,420) discloses a system that accesses data of a digital camera from a computer.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (703) 305-0146. The examiner can normally be reached on Monday-Friday, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph R. Pokrzywa
Examiner
Art Unit 2622

jrp